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Applicant: Lowell S. Fink

Appn. Title: "Universally Compatible, Semi Elliptical, Vertically Deployed Sail System for Wind Propelled Vehicles"

Examiner/GAU: Ed L. Swinehart, Art Unit 3617

CROSS REFERENCE TO RELATED APPLICATIONS

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THE NOV. 14, 2003 OFFICE ACTION

The Nov. 14, 2003 Office Action refused entry of Applicant's Amendment A for reasons including the following:

- Amendment A failed to state that it contained no new matter;
- Amendment A failed to include marked up copy of the original Specification showing the changes made;
- Amendment A appeared to be replete with new matter;
- Amendment A failed to adequately identify and distinctly claim the subject matter of the invention;
- Amendment A failed to describe adequately to one skilled in the art how to make and use the invention, or it failed to make "an enabling disclosure"; and
- the length of the sail segments described in Amendment A were not supported by the Specification as originally filed.

The Nov. 14, 2003 Office Action rejection of Applicant's Amendment A was not based upon prior art.

RESPONSE

Applicant seeks to establish that the original Specification identified, disclosed, and claimed the invention in a manner that supported the claims of Amendment A and that enabled one skilled in the art to construct and use the invention, a "supportive" and "enabling" disclosure.

To that end, Applicant herein submits proof in fact that the Specification as originally filed made a supportive, enabling disclosure as well as proof that Amendment A contained no new matter and constitutes a fully supported restatement of the original Specification. Applicant's responses to successive Office actions addressed the objections of each such Office Action, but neither admitted nor inferred that the Specification as originally filed was in any way deficient in identifying and claiming the invention.

Amendment A was filed pursuant to a demand to elect one of the three main claims of the original Application, which had been held to contain claims for multiple inventions. Applicant elected to pursue main claim "2" found at **p. 89** of the original Application. Applicant has annotated and attached objection-specific pages of the original Specification in Annex 1 hereto and similarly annotated and attached pages of Amendment A as well as pages of a First Office Action as Annexes 2 and 3, respectively.

Applicant respectfully submits that the original Specification identified, claimed, and made an enabling disclosure of the diverse components of the invention, and that the original Specification supported Amendment A, in the following manner, and for the following reasons:

PROOF IN FACT THAT THE ORIGINAL SPECIFICATION IDENTIFIED AND CLAIMED THE INVENTION AS REQUIRED BY 35 U.S.C. 112

One skilled in the art could and, <u>in fact, did</u> build for the Applicant an overlapping System Mainsail and a non-overlapping self-tacking, System Headsail, or the "**Basic System Components**" using only drawings equivalent to Fig.1 and Fig. 1B of the original specification. As more fully discussed below, drawing 1B disclosed a universal percentage overlap profile for System Mainsails and Headsails and a fully executable sail plan for at least the Basic System Components.

Installed on the test sailboat in conformity with the installation instructions found at **pp. 68-69 of the original Application**, those Basic System Components met and exceeded the functional and performance objectives recited at **pp.19-20 of the original Application**. Applicant's sailmaker had no previous experience with System Mainsails or System Headsails and was, in fact, doubtful that the sails could ever meet Applicant's functional and performance objectives.

To the sailmaker's surprise, the Basic System Components exceeded Applicant's specific functional and performance objectives. At no time did the sailmaker require information beyond that revealed by Applicant's drawings in order to construct the **Basic System Components**. In conformity with paragraph 2 of 35 U.S.C. 112,the original Specification in combination with the knowledge and experience of one skilled in the art was sufficient, as a matter of fact, to enable successful construction and use of the Basic System Components.

As traced by the annotations to the attached pages of the original Specification (Annex 1) the comprehensive textual detail and specific claims for System embodiments disclosed in the original Specification were enabling, and they supported the claims of Amendment A.

As empirically illustrated, the original Specification disclosed to one skilled in the art how to build and use at least the Basic System Components. The knowledge of an experienced sailor, a naval architect,

or a sailmaker, each "skilled in the art", would necessarily include an assimilation of hardware catalogs; suitability of various sail cloth and batten specifications; suitability of a multitude of various sail-to-spar connecting devices; and an ability to visualize the spatial relationship between a sail boat, its rigging wires, and its sails. These form the natural parlance of individuals skilled in the art. By its very language, 35 U.S.C. 112 would appear to impute such knowledge to every sail-related Patent Application. As such, it is significant to appreciate the extent of such skill and knowledge.

The depth of knowledge and experience of one skilled in the art would not necessarily be evident to one not skilled in a particular art, and the latter might not imagine that those skilled in the art routinely make choices of building materials based on sail profile drawings equivalent to or even less detailed than those Applicant provided to his sailmaker. Such sail plans systematically contain no hardware details such as those disclosed in the text of Applicant's original Specification. Notwithstanding, the practice of "inclusion by reference" of well-known materials and concepts would appear to be one used by Patent Examiners in defining the subject matter of Patent Applications.

THE LANGUAGE OF THE EXAMINER'S OBJECTION 8 OF THE SEPT. 9, 2002 OFFICE ACTION

In Objection 8 of a first Office Action dated Sept. 9, 2002 and attached as Annex "3" for convenient reference, the Examiner concluded that Marechal, US Patent no. 5,445,098, 8/1995 had disclosed by inference a rigging category and a sail category that it had not disclosed expressly.

"....Marechal **does not disclose** provision of a forestay and forestay attached sail, however, such is considered to have been notoriously old and well known in the art, and provision of same would have been obvious to one of ordinary skill in the art at the time of the invention, providing no unexpected results."

Applicant references **the language of the Examiner's Objection 8** not with regard to the subject matter of Marechal (a boom furling mechanism for mainsails), but for two specific formal reasons:

1. Reference to well-known elements is systematically incorporated by reference into Applications **even if such elements have not been disclosed expressly**; and

2. Patent Applications systematically omit well-known items without sacrificing patentability.

The Examiner imputed to Marechal well-known and entirely non-disclosed elements due to the notoriety of such elements to one skilled in the art. In so doing, the Examiner utilized the practice of inclusion by inference of well-known elements. That same practice supports the inclusion by inference in Applicant's original Specification of elements including a geometric ellipse, fork-end batten boxes, semi-flexible battens, and that wide diversity of well-known materials and concepts known to those skilled in the art to conceive and produce sails for sailing vessels.

In this context, Applicant submits that the text and drawings of his original Specification established that the Applicant had possession of at least the Basic System Components prior to the time he filed his original Application; and that the text and drawings of the original Application would have enabled any person skilled in the art to make and use the Basic System Components.

Applicant respectfully points out that the present invention comprises elements, many notoriously well known, which were used and combined in new and unexpected ways to produce unobvious results. All such well-known elements should be deemed present in the original Specification without regard to whether they were disclosed expressly.

Such inferential presence of the knowledge and experience of one skilled in the art should be imputed to Applicant's original Specification for purposes of fully supporting the subsequent disclosures of Amendment A. The disclosures of Amendment A, such as graphic disclosure of batten box detail or textual detail of universal sail overlap percentages, should not be considered as new matter if either express or inferred supportive precedent resided in the original Specification.

Consequently, patentability of the invention should not be denied because its construction materials, per se, were not novel or did not produce unexpected results. Nor should patentability be denied because underlying theoretical principles, per se, were not novel or did not produce unexpected results. Rather, patentability should be judged on new, unexpected uses and combinations of materials and underlying concepts, some well-known, employed in the conception and construction of the invention **that yielded new and unexpected results and benefits.**

Inclusion by inference of well-known materials and underlying concepts in the original Specification is consistent with the Examiner's treatment of Marechal, rendering the original Specification supportive of the subsequent disclosures of Amendment A.

Below, Applicant will restate and examine in detail the issues raised by the Nov.14, 2003 Office Action in the following context:

"An invention based on new and unexpected combinations and uses of well-known elements employed in its conception and construction, which produced unexpected results and benefits."

RESPONSE TO SPECIFIC OBJECTIONS

1. **Objection 1** of the Office Action of Nov. 14, 2003 pointed out that Amendment A had not included a statement that it contained no new matter, and that the filing lacked a marked up copy of the original specification showing the changes made. Objection1 further stated that Amendment A, upon initial review by the Examiner, appeared to be replete with new matter.

a. Applicant hereby states that Amendment A contained no new matter, and that the Amendment was supported by the Specification as originally filed.

b. Applicant submits that the substitute Specification of Amendment A merely restated the subject matter of the invention disclosed by the original Specification as concerns vertically deployed semi-elliptical sails. That restatement was made pursuant to a demand for an election among main claims 1-3 of the original Specification, as opposed to making changes or introducing new matter.

c. Annex 1 hereto identifies links between the Specification as originally filed and the text and drawings of Amendment

2. **Objection 2** states, by way of example, that the original disclosure did not support Amendment A's showing of specific fork-end luff batten boxes and the sail arrangements of figures 1-3.

Fork-end luff batten boxes are well-known and routinely used by one skilled in the art. Stated otherwise, "[fork-end batten boxes <u>have been notoriously old and well known in the art, and provision of same would have been obvious to one of ordinary skill in the art at the time of the invention</u>".

Beyond the imputed presence of fork-end luff batten boxes in the original Specification, the original Specification expressly disclosed them as follows:

a. in **Figure 1B;** in the corresponding descriptive text found at **p. 39-40 of the original Specification:**

b. in Applicant's **List of Reference Numerals, pp. 32-34 of the original Specification;**

c. in detailed instructions for use of fork-end luff batten boxes for sail-to-stay attachment of System Headsails found **at paragraph 3, p. 68** of the original Specification; and

d. at **p. 39 of the original Application**, where Applicant specifically identified and explained the use of fork-end luff batten boxes while electing <u>not</u> to encumber Fig. 1B unnecessarily with detail of an item well-known to and routinely used by those skilled in the art.

Including further detail in Fig. 1 or 1B would have sacrificed clarity without reason. The appearance of such detail in Amendment A should not be considered new matter unsupported by the original Specification. Fork-end batten boxes and a broad range of

other hardware were notoriously well known at the time the original Specification was filed and thus deemed present in that filing.

OBJECTION 8 OF THE FIRST OFFICE ACTION SUPPORTS PATENTABILITY OF THE PRESENT APPLICATION

Applicant submits that his inclusion of batten box detail or details of other well-known hardware or conceptual principles in Amendment A did not constitute new matter for the same reasons the Examiner attributed a forestay and forestay-attached sail to the disclosure of Marechal.

Notoriously well-known hardware or theoretical concepts were fully attributable to Applicant's original Specification and should be incorporated by inference into Amendment A in the same manner that Objection 8 of the first Office Action incorporated into Marchal the presence of notoriously well-known forestays and sails attached to them.

Like incorporation by inference supports all such well-known elements of the invention and indeed renders the original Specification supportive of Amendment A disclosures either graphic or textual in content.

Consequently, Amendment A was a fully-supported restatement of Claim 2 of the original Specification; at most, rendering the invention more accessible to one not skilled in the art, but in no event introducing new matter. For like reasons, no inclusion of detailed drawings or textual material covering other well-known items should be deemed to constitute new matter in Amendment A.

In fact, outright exclusion of the graphic or textual detail of fork-end luff batten boxes or similarly well-known hardware from either the original Specification or Amendment A would in no way prevent either filing from enabling one skilled in the art to build and use at least the Basic System Components or disqualify either filing from precisely identifying the subject matter claimed.

Stated otherwise, the original Specification, as a matter of fact, made an enabling disclosure, and Amendment A was merely a restatement of the original Specification in the context of a demand for Election.

DID THE USE IN AMENDMENT A OF DESCRIPTIVE TERMS SUCH AS "MAXJIB" AND "MAXMAIN", OR THE REDUCTION TO WRITING OF SYSTEM SAIL SEGMENT LENGTH PARAMETERS CONSTITUTE NEW MATTER ?

As concerns new matter, all embodiments of Amendment A are traceable to Claim 2 of the original Specification, which filing made an enabling disclosure. Amendment A restated Claim 2 of the original Specification uniquely as concerned a vertically deployed Semi-Elliptical Sail System.

Sail plans systematically omit notoriously well-known details. Notwithstanding, even if the knowledge of one skilled in the art had not extended, for example, to batten box selection, Fig. 1B and corresponding textual detail found at **paragraph 5, p. 69** of the original Specification comprehensively explained the use of fork-end batten boxes and their specific use as **"lower jib batten box" 65A and 66A, as well as to other notoriously well-known hardware and theoretical concepts.** A specific example of a detailed disclosure made by the original Specification follows:

"The sail may now be attached to its stay, beginning with **lower jib luff batten boxes, 65A and 66A, each of which terminate at its luff end in threaded, forked terminals (not shown)**. [The] said forked terminals are placed over the inner forestay 19 an secured by means such as a pin and cotter pin, or a pin with integral toggle."

The foregoing text was set forth primarily to illustrate that Applicant's election not to show, or even to explain diverse well-known elements of an invention need not create a deficiency in an Application. For the sake of clarity in the drawings, Applicant elected to label well-known Items such as cotter pins or self-toggled pins "not shown". USPTO policy and applicable regulations appear to discourage a degree of drawing detail which would be superfluous and which would compromise clarity.

a. **Even if Amendment A had provided no graphic detail beyond that of the original Specification,** one skilled in the art could, and actually did, readily build and use at least the Basic System Components using only the original Specification.

b. As concerns **use of the invention**, the use of each System Sail configuration depicted in Amendment A mirrors the use of a conventional counterpart sail, which usage is intimately known to those skilled in the art. Accordingly, the adequacy of the original Specification to enable one skilled in the art **to use** the invention should not be at issue.

c. As further concerns use of the invention, System Sail counterparts of conventional sails simply make customary use less difficult. As such, one skilled in the art would be able to use any embodiment of the invention found in the original Specification or Amendment A based exclusively upon either his particular skill and knowledge or upon the specific enabling language or drawings of either filing.

d. The comprehensive information provided in the "description of drawings", "advantages", "installation", and "performance" sections of Amendment A reduce to writing selected elements of such knowledge and skill, but such reduction to writing should not be considered as new material because 35 C.F.R. would appear to have imputed the knowledge and skill of one skilled in the art into all Patent Applications.

e. The diverse elements of the invention that appear in the text and drawings of Amendment A likewise derive specifically from the original Specification. The example of fork-end luff batten boxes serves to illustrate that the original Specification specified diverse well-known items routinely used by one skilled in the art, including "batten boxes" as well as sail cloth, sail hanks, and other well-known items.

f. In addition, the original Specification provided textual detail for constructing, installing, and using each main and alternative embodiment. **Pages 68-70** of the original Specification illustrate by example this comprehensive coverage of the semi-elliptical, self-tacking System Headsail as well as the comprehensive treatment of luff-end batten boxes in the original Specification.

g. Original Manufacturers' catalogs for sail making material such as batten boxes uniformly provide specifications for the entire range of applications to diverse sail configurations and sizes. Applicant's claims do not depend on routine material choices, but rather on a combination of properties that produce an unobvious result.

h. Since Applicant was not claiming a variation on any such well-known item, Applicant submits that Amendment A should be judged without regard to the particulars of any such item. Specifically, the original application disclosed a sail with, for example "batten boxes", which is inclusive of diverse types of batten boxes, just as it specified a sail made of "sail cloth", which is inclusive of diverse types of sail cloth.

i. Applicant's original Specification enabled one skilled in the art to construct at least Basic System Components. Specific review of whether the original Specification enabled construction and use of **other System Sail Configurations** follows immediately below.

THE SAIL ARRANGEMENTS OF FIG. 1-3 OF AMENDMENT A

Claim 2 of the original Specification, at **p. 89** disclosed semi-elliptical System Mainsails and Headsails. At **p. 54,** the original Specification disclosed embodiments "that may take the form of either headsails or mainsails", then went further at **p. 56**, to state that,

> "Until now lengthening the foot of triangular in-place headsails has been the only manner of increasing their surface area. The present invention takes an entirely different approach to optimizing in-place headsails. The present invention simultaneously augments in-place headsail surface area by systematically integrating a large, semi-elliptical positive leech curve and positive foot curve into the design of such sails..."

Preliminarily, the Basic System Components unequivocally disclosed in the original Specification should not remain at issue:

a. Specifically, Figure 1 of Amendment A shows a **non-overlapping**, semi-elliptical self-tacking System Headsail and a boomed overlapping, semi-elliptical System Mainsail, each of which appear in Fig. 1 and 1B of the original Application and are further disclosed in corresponding text, as noted above.

a. Figure 2 of Amendment A shows an **overlapping** self-tacking, semi-elliptical System Headsail; a **non-overlapping** semi-elliptical System Headsail; and a boomless, semi-elliptical, **overlapping** System Mainsail. The two latter sails are found in Fig. 1B and Fig. 8 of the original Specification, respectively. The first of the three sails might be viewed as problematic because the original Specification no drawing of such an overlapping, self tacking System Headsail.

b. Figure 3 of Amendment A shows an **overlapping**, semi-elliptical System Headsail and an **overlapping** System Mainsail, each in a reefed configuration. Here, too, only the provenance of the overlapping, self-tacking System Headsail might be at issue. Fig. 1 and Fig. 1B of the original Specification constitute enabling disclosure of an overlapping System Mainsail.

Thus, **the only issue with respect to Fig. 1-3 of Amendment A should be whether the original Specification made an enabling disclosure of an overlapping, self-tacking System Headsail even though it presented no drawing of such a sail.** Once again, the Examiner's treatment of Marechal is instructive. Marechal did not disclose a forestay. Nor did it disclose a forestay-attached sail. Nonetheless, Marechal was considered to incorporate both by reason of their notoriety to one skilled in the art.

As seen above, Applicant's original specification textually described and specifically claimed overlapping, vertically deployed, semi-elliptical System Mainsails and Headsails. Even without resort to "inclusion by inference of knowledge of the art, those express disclosures support the overlapping System Headsails of Amendment A. Even if any well-known element of any overlapping System Headsail embodiment were deemed lacking in either the original Specification or of Amendment A, such elements would have been imputed to the embodiment in question by reason of their notoriety.

More specifically, each of the sail arrangements shown in Fig. 1-3 of the drawings of Amendment A was disclosed in the original Specification, even if all such sail arrangements were not graphically depicted in the original Specification. If, indeed, the original Specification **textually** made an enabling disclosure of System Sail Embodiments that later appeared in **graphic** form in Amendment A, the original

Specification would have been supportive of the subsequent graphic description of any such Embodiments.

Stated otherwise, the fact that textual material from the original Specification has been expressed graphically in Amendment A does not obviate the adequacy of the original enabling disclosure, whether textual or otherwise. Such a drawing in Amendment A should not be deemed new matter simply because no counterpart drawing appeared in the original Specification.

Applicant respectfully submits that inclusion of graphic detail in Amendment "A" of an Embodiment that had been disclosed textually in the original Specification should not be deemed to introduce new matter. **Accordingly, if the original Specification, as a matter of fact, made an enabling disclosure as to diverse embodiments of the invention, Amendment A should be allowable as to its graphic and textual restatement of all such elements without further filing.**

As to the remaining issue posed by Fig. 1-3 of Amendment A, Applicant submits that indeed the disclosures and claims of the original Specification make an enabling disclosure of an **overlapping, self-tacking System Headsail.** Dependent claim 9 at **p. 91** of the original Application specifically claims an overlapping System Headsail. The following review of the related parts of the original Specification illustrates that it supports the sail arrangements of Fig. 1-3 of Amendment A.

THE ORIGINAL SPECIFICATION MADE AN ENABLING DISCLOSURE THAT SUPPORTED THE SAIL ARRANGEMENTS OF FIGURES 1-3 OF AMENDMENT A

Claim 2, found at p. 89 of the original Specification, discloses a vertically deployed sail system comprising both semi-elliptical mainsails and semi-elliptical headsails and the means to attach each such sail to a companion mast or forestay,

" A sail system comprising a sailing vessel having one or a plurality of masts, one or a plurality of main or mizzen sails attached to such masts, one or a plurality of forestays, and one or a plurality of semi-elliptical sails defined by a luff, a foot, and a leech, including means for attaching each such main or mizzen sail to each such mast, means for attaching each such headsail to each such forestay..."

Claim 2 further discloses System Sail properties, reciting,

"wherein at least one of [the] said sails is vertically deployed...comprising:

a. integral means for booming [the] said sail...

b. integral means for reefing and controlling [the] said sail...

c. means for supporting the positive roach of [the] said sail.

Dependent claim 7 claims the means for integrally booming a non-overlapping headsail,

"The sailing system of claim "2" wherein [the] said vertically deployed headsail is non-overlapping, and the means for booming [the] said headsail, whether fully deployed or reefed, comprises one or a plurality of semi-rigid battens or batten substitute means connected at one end, at a right angle to [the] said headstay..."

Dependent claim 8 claims the means for supporting the positive roach of a non-overlapping headsail, which "...comprises one or a plurality of means for supporting the said positive roach...such means either attached to the sail material [as in the case of a batten and batten box combination] or applied directly into or onto [the] said sail material during fabrication [as in the case of batten substitute means]."

Dependent claim 9 claims the diverse elements of the invention as applied to **overlapping headsails**,

"The sailing system of claim "2", wherein [the] said **vertically deployed headsail is overlapping**, and comprises semi-rigid means for supporting the positive roach of [the] said headsail..."

The foregoing elements of the original Specification combine to specifically support each of the non-overlapping and overlapping sail arrangements found in Fig. 1-3 of Amendment A with specific reference to integral booming by means of semi-rigid battens, to support of an overlapping roach, and to self-tacking semi-elliptical sail geometry, whether non-overlapping or overlapping.

3. **Objections 3 and 4** reject dependent claims 24-36 of Amendment A for failure to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, and because claims 24-36 depended on cancelled claims 1-3 of the original Specification, rendering their dependency unclear.

a. In dependent Claims 24-36 of Amendment A, Applicant inadvertently referred to the main claims of Amendment A as 1-3 instead of 21-23, thus raising the possibility that Applicant was referring to main claims 1-3 of the original Specification, as opposed to claims 21, 22 and 23 of Amendment A.

Accordingly, Applicant requests that his inadvertent reference in Dependent Claims 24-36 of Amendment A be conformed as follows to the numbering of the main claims 21-23 of Amendment "A": "claim 1" to read "claim 21"; "claim 2" to read "claim 22", and "claim 3" to read "claim 23". **Marked up pages of Amendment A reflecting the foregoing are attached hereto as Exhibit 1.** Accordingly,

Applicant submits that he pointed out and distinctly claimed the subject matter which he regards as his invention in both filings in conformity with 35 U.S.C.112,

4. **Objections 5-6** reject Applicant's three main claims, 21-23 for failure to describe the invention in a manner that enables one skilled in the art to build and use the invention as required by 35 U.S.C. 112.

DID THE ORIGINAL SPECIFICATION MAKE AN ENABLING DISCLOSURE OF THE SAIL LENGTH OF ALL SYSTEM SAIL EMBODIMENTS?

At a minimum, the rejection of Amendment A may have been based on a perceived failure of the original Specification to disclose the length of the sail segments of the diverse System Sail arrangements shown in Fig.1-3 of Amendment A.

Applicant respectfully submits that the Specification as originally filed did, in fact, disclose the length of the sail segments for all System Sail Embodiments, and that **even if it had not made such a disclosure as to all System Sail Embodiments**, the original specification was **specifically enabling** as concerns at least the Basic System Components shown in Fig. 1 and Fig. 1B as well as **any** non-overlapping System Sails whose segment lengths are, by definition, limited by the most proximate rigging element that any such sail would contact in the course of tacking or jibing.

Accordingly, only the sail segment lengths of **overlapping, self-tacking** System Headsails are potentially at issue. Stated otherwise, "Did the original specification disclose the length of the sail segments of overlapping, self-tacking System Headsails as to allow one skilled in the art to construct and use such sails?

Fig. 1 and 1B of the original Specification showed an overlapping, semi-elliptical System Mainsail profile and a semi-elliptical non-overlapping System Headsail, each of which derived from an elliptical geometric profile. A geometrical ellipse is notoriously well known to one skilled in the art, just as is the fact that a sail drawn to such a profile produces maximum efficiency as opposed to a triangular sail. In restatement of the enabling disclosures of Fig. 1B and the text of the original Specification, Amendment A applies a well-known geometrical principle to derive appropriate System sail profiles and percentage overlap in the case of any overlapping System Sail embodiment. As such, the original Specification was supportive of Amendment A's textual and graphic restatement of universal percentage overlap parameters.

Fig. 1 and Fig. 1B of the original Specification were drawn to-scale, even though no requirement for to-scale drawings had been imposed. The sail arrangements of Fig. 1-3 of Amendment A were likewise drawn to scale, even though such precision was not required. As such, those drawings are equivalent to sail plans from which sailmakers routinely make sails. In fact, Applicant's sailmaker successfully

constructed the Basic System Components from Applicant's drawings, which drawings corresponded to Fig. 1 and 1B of the original Specification.

Applicant submits that the drawings and text of the original Specification made enabling disclosures that support all embodiments of the invention shown in Figures 1-3 of Amendment A, and that those drawings support those of Amendment A. Applicant further submits that one skilled in the art could extrapolate System Sail segment length parameters for any overlapping System mainsail or headsail from the percentage overlaps disclosed by Fig. 1 and Fig.1B of the original Specification, and that accordingly, the original Specification supports all graphic and textual descriptions and claims relative to sail segment length found in Amendment A.

At **p. 74**, the original Specification discloses that large vessels will probably opt for non-overlapping vertically deployed sails, making clear that the System includes overlapping vertically deployed sails, which would be the likely choice for smaller boats.

To-scale Fig.1B of the original Specification revealed graphically the length of overlapping mainsail segments while at **p. 54**, the original Specification disclosed that the conceptual basis of the invention applied equally to sails attached to either masts or stays. At **p.56**, the original Specification disclosed that the conceptual basis of the invention applied equally to non-overlapping and overlapping sails. At **p. 91 the original Specification,** Claim 9, **specifically claimed an overlapping System Headsail**. Thus the original specification, disclosed an overlapping System Mainsail and the universality of the percentage overlap for all System sails, whether mainsails or headsails. In combination, such disclosures support each of the sail arrangements found in Fig 1-3 of Amendment A.

The organization of the original Specification included three main claims, only one of which was elected. The resulting Amendment A claimed only vertically deployed System Mainsails and Headsails. Such a restatement and reorganization of the enabling disclosures of the original Specification was not equivalent to the introduction of new material or to changes from the original Specification.

The descriptions set forth in main claims 21-23 of Amendment A reduced to textual terms the earlier, enabling graphic and textual disclosures of the original Specification, as stated above. Such a restatement of the subject matter of the original Specification to the textual and graphic terms of Amendment A should neither obviate the adequacy of the original Specification nor be considered as introducing new matter.

If the two questions set forth immediately below can be answered affirmatively Amendment A should be considered as a mere restatement of the enabling disclosures of the original Specification and thus free of new matter.